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Serial No.: 10/569,566

Case No.: 21461P

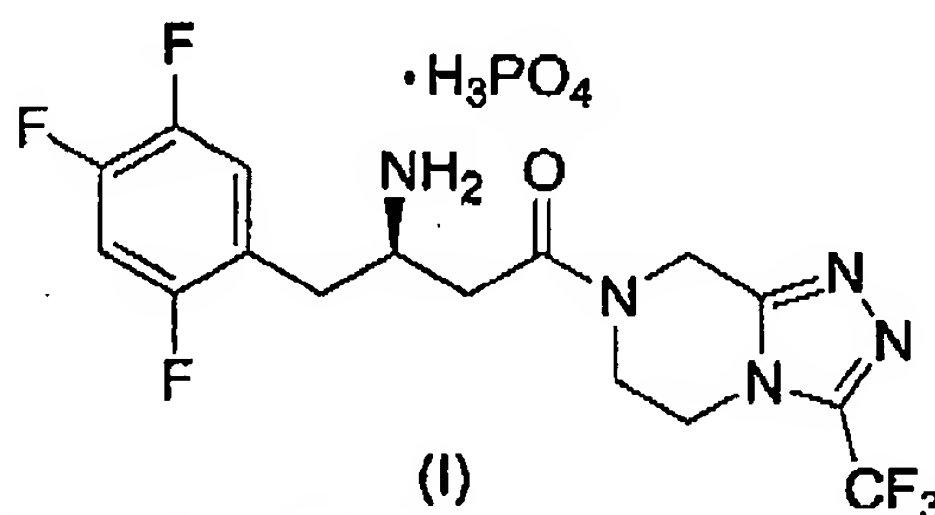
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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

Claim 1 (currently amended): A crystalline anhydrate form of the dihydrogenphosphate salt of (2R)-4-oxo-4-[3-(trifluoromethyl)-5,6-dihydro[1,2,4]triazolo[4,3-a]pyrazin-7(8H)-yl]-1-(2,4,5-trifluorophenyl)butan-2-amine of structural formula I:



characterized as being a crystalline anhydrate which is designated Form I characterized by characteristic reflections obtained from the X-ray powder diffraction pattern at spectral d-spacings of 18.42, 9.35, and 6.26 angstroms.

Claim 2 (cancelled)

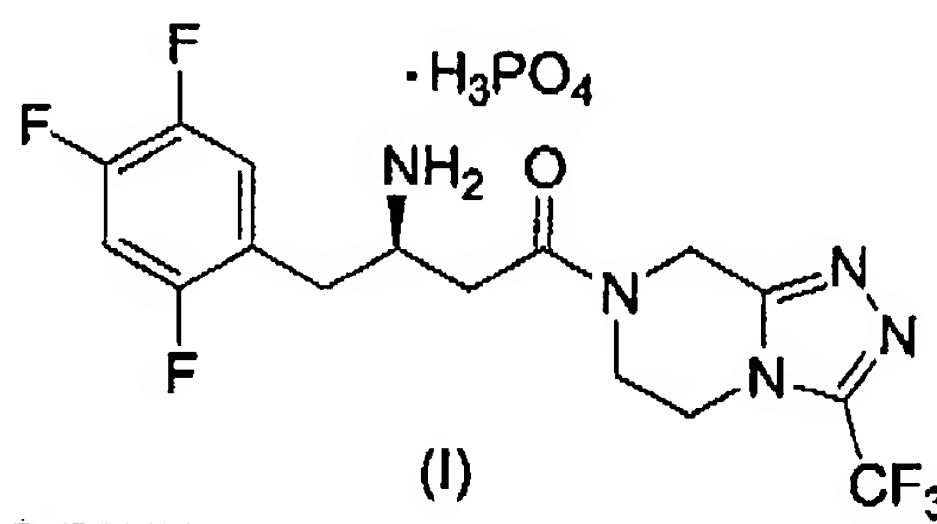
Claim 3 (currently amended): The crystalline anhydrate ~~Form I~~ of Claim ~~1~~ 2 further characterized by characteristic reflections obtained from the X-ray powder diffraction pattern at spectral d-spacings of 5.78, 4.71, and 3.67 angstroms.

Claim 4 (currently amended): The crystalline anhydrate ~~Form I~~ of Claim 3 further characterized by characteristic reflections obtained from the X-ray powder diffraction pattern at spectral d-spacings of 3.99, 2.71, and 2.66 angstroms.

Claim 5 (currently amended): The crystalline anhydrate ~~Form I~~ of Claim 4 further characterized by the X-ray powder diffraction pattern of FIG. 1.

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Claim 6 (currently amended): ~~A~~ The crystalline anhydrate ~~F~~form I of ~~Claim 1~~ of the dihydrogenphosphate salt of (2R)-4-oxo-4-[3-(trifluoromethyl)-5,6-dihydro[1,2,4]triazolo-[4,3-a]pyrazin-7(8H)-yl]-1-(2,4,5-trifluorophenyl)butan-2-amine of structural formula I:



characterized by a solid-state fluorine-19 MAS nuclear magnetic resonance spectrum showing signals at -65.3, -105.1, and -120.4 p.p.m.

Claim 7 (currently amended): The crystalline anhydrate ~~F~~form I of Claim 6 further characterized by a solid-state fluorine-19 MAS nuclear magnetic resonance spectrum showing signals at -80.6, -93.5, and -133.3 p.p.m.

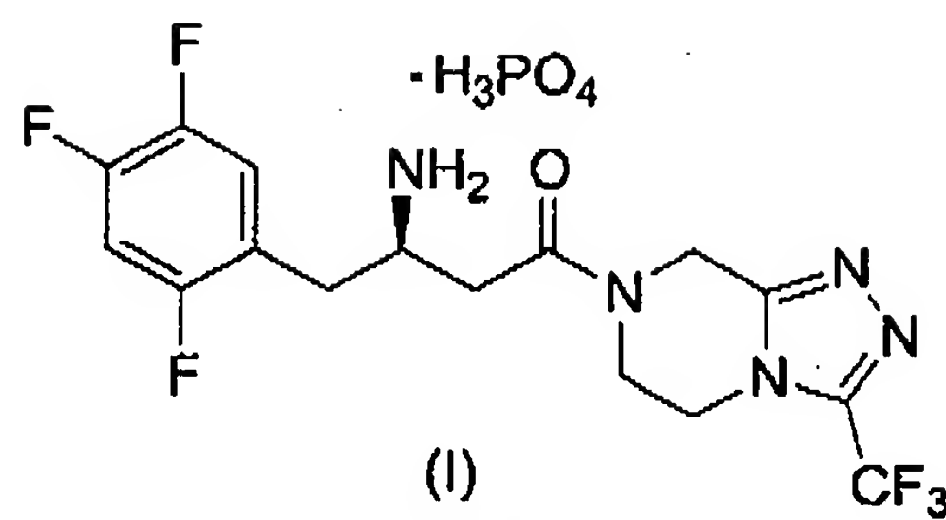
Claim 8 (currently amended): The crystalline anhydrate ~~F~~form I of Claim 7 further characterized by the solid-state fluorine-19 MAS nuclear magnetic resonance spectrum of FIG. 3.

Claim 9 (currently amended): ~~A~~ The crystalline anhydrate ~~F~~form I of ~~Claim 1~~ of the dihydrogenphosphate salt of (2R)-4-oxo-4-[3-(trifluoromethyl)-5,6-dihydro[1,2,4]triazolo-[4,3-a]pyrazin-7(8H)-yl]-1-(2,4,5-trifluorophenyl)butan-2-amine of structural formula I:

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characterized by the solid-state carbon-13 CPMAS nuclear magnetic resonance spectrum of FIG. 2.

Claim 10 (currently amended) The crystalline anhydrate ~~Form I~~ of Claim 1 characterized by the thermogravimetric analysis curve of FIG. 5.

Claim 11 (cancelled)

Claims 12 – 48 (withdrawn)

Claim 49 (currently amended): A pharmaceutical composition comprising a ~~prophylactically or therapeutically effective amount of the crystalline anhydrate form salt of Claim 1 or Claim 12 or a mixture thereof~~ in association with one or more pharmaceutically acceptable carriers or excipients.

Claim 50 (currently amended): A method of treating Type 2 diabetes comprising administering to a patient in need of such treatment a therapeutically effective amount of the crystalline anhydrate form salt according to Claim 1 ~~or Claim 12 or a mixture thereof~~.

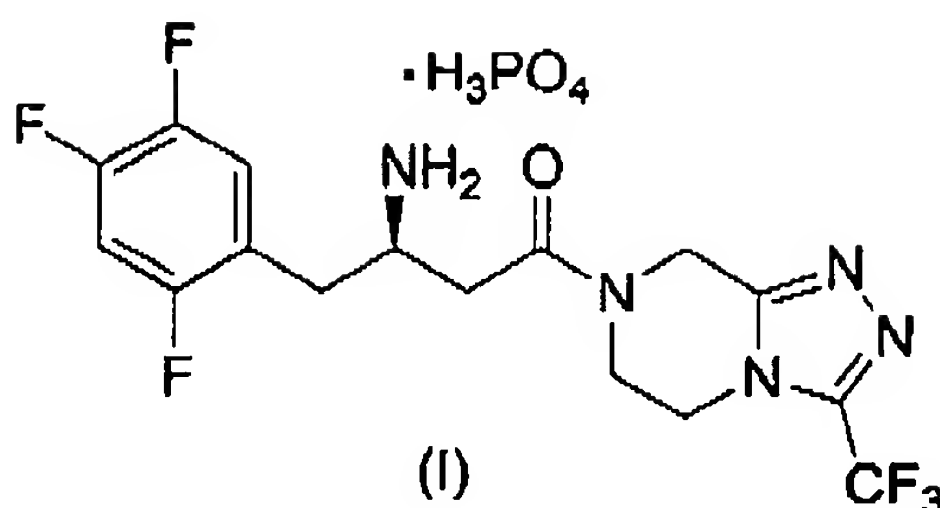
Claims 51-52 (previously cancelled)

Claim 53 (new): A crystalline anhydrate form of the dihydrogenphosphate salt of (2*R*)-4-oxo-4-[3-(trifluoromethyl)-5,6-dihydro[1,2,4]triazolo[4,3-*a*]pyrazin-7(8*H*)-yl]-1-(2,4,5-trifluorophenyl)butan-2-amine of structural formula I:

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characterized by a Differential Scanning Calorimetry (DSC) melting endotherm with an onset temperature of 215 °C, a peak temperature of 217 °C, and an enthalpy of 221 J/g.

Claim 54 (new): A drug substance comprising a detectable amount of the crystalline anhydrate form of Claim 1.

Claim 55 (new): The drug substance of Claim 54 comprising about 5% to about 100% by weight of said crystalline anhydrate form.

Claim 56 (new): The drug substance of Claim 54 comprising about 10% to about 100% by weight of said crystalline anhydrate form.

Claim 57 (new): The drug substance of Claim 54 comprising about 25% to about 100% by weight of said crystalline anhydrate form.

Claim 58 (new): The drug substance of Claim 54 comprising about 50% to about 100% by weight of said crystalline anhydrate form.

Claim 59 (new): The drug substance of Claim 54 comprising about 75% to about 100% by weight of said crystalline anhydrate form.

Claim 60 (new): The drug substance of Claim 54 comprising substantially all by weight of said crystalline anhydrate form.